

REMARKS

Claims 3-11 are currently active.

The Examiner has rejected Claim 4 and Claim 9 under 35 U.S.C. 112, second paragraph. Claims 4 and 9 have been amended to obviate this rejection.

The Examiner has rejected Claims 3-11 as being anticipated by Bahnson. In view of the claim of priority to Bahnson in regard to the above-identified patent application, this rejection is traversed. A new Declaration executed by the inventors of the above-identified patent application claiming priority from U.S. patent application 09/904,144 is enclosed. Accordingly, this rejection is obviated.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 3-11, now in this application be allowed.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

on 7/2/03
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7/2/03
Date

Version with markings to show changes made to the claims

4. A method for analyzing cells comprising the steps of:

imaging at least one cell in a first well of a plate with [viable] visible light to form a first image;

imaging the cell in the well by fluorescent light to form a second image; and

overlaying the first and second images.

9. A method as described in Claim [6] 8 wherein the kinetic information on cellular performance includes information on the effect of proteins and/or other biological or chemical moieties on cellular performance.